

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION

UNITED STATES OF AMERICA

v.

RICARD QUINTANILLA, *et al.*

Defendants.

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CRIMINAL NO. 19-CR-522

**GOVERNMENT’S UNOPPOSED MOTION FOR STATUS HEARING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, by and through the United States Attorney for the Southern District of Texas and the Chief of the Public Integrity Section of the Criminal Division of the Department of Justice and respectfully moves the Court to set a status hearing in the above-captioned matter. Counsel for all defendants have advised that they do not oppose this Motion.

This matter is presently set for jury selection and trial on January 10, 2022. As this Court is likely aware, the incidence of COVID-19 has recently increased in the McAllen area and the country as a whole. *See* CDC Covid Data Tracker, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html> (reporting a 37.3% increase in the current 7-day moving average of daily new cases). Notably, the recent rise of the omicron variant of the coronavirus raises significant concerns about the variant’s transmissibility and the current vaccines’ effectiveness against the variant. *See* Omicron Variant: What You Need To Do, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>. Accordingly, the ongoing global pandemic may impact the timing and manner of this trial. The parties have conferred and all agree to request a status

conference to discuss this matter with the Court so as to allow ample time for the parties to discuss with the Court how to proceed safely and efficiently. Specifically, the parties seek guidance from the Court regarding what will be the Court's trial procedures and protocols regarding, *inter alia*, (1) the number of alternate jurors the Court intends to appoint for jury service in the event of any in-trial Covid infections or exposures by jurors; (2) what protocols does the Court intend to implement in the event of a positive Covid test or Covid exposure by a juror, attorney for the government or defense, or defendant, and whether such protocol will depend upon the vaccination status of the juror, attorney, or defendant; (3) what protocols does the Court intend to implement in the event a juror, attorney for the government or defense, or defendant become symptomatic of Covid but have not yet had the opportunity to obtain a Covid test; and (4) what if any safety measures does the Court intend to implement with respect to social distancing and mask-wearing during trial, including mask-wearing by testifying witnesses. The parties also jointly agreed to request that the status hearing be held via telephone or video teleconference.

Due to the proximity to trial, the parties request that the status conference be held at the earliest convenience of the Court.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of December 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will, in turn, send notification of said filing to all counsel of record through the CM/ECF System.

/s/ Erica O. Waymack

Erica O. Waymack

Trial Attorney

Public Integrity Section